

REMARKS

Claims 12-44 are pending in the present application and have been examined. Claims 15-44 were objected to due to certain informalities. Claims 14 and 41-43 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,938,908 (Anazawa). Claim 44 was rejected under 35 U.S.C. § 103(a) over Anazawa and in view of FR 2,774,472 (FR '472). Claims 14-18, 20-28, 30-38 and 41-44 have been amended. Support for the amendment in claims 14 can be found in the present specification, for example, on page 3, lines 14-21, page 16, lines 1-24, the Abstract, and in the figures. No new matter has been added. Reconsideration of the present application in view of the amendments above and remarks below is respectfully requested.

Initially, Applicants wish to thank the Examiner for allowing claims 12 and 13. The informalities in claims 15-44 have been corrected. As a result, at least claims 15-34, which dependent from either independent claim 12 or 13, are also allowable. Withdrawal of the objection of these claims due to informalities is therefore respectfully requested.

In paragraph 4 of the Office Action, claims 14 and 41-43 were rejected under 35 U.S.C. § 102(b) over Anazawa. In paragraph 9 of the Office Action, claim 44 was rejected under 35 U.S.C. § 103(a) over Anazawa and in view of FR '472. Applicants respectfully traverse these rejections.

Among the elements of independent claim 14 not taught or suggested in the prior art is that "the laser beams are inclined to said plane."

Anazawa discloses a capillary array electrophoresis system arranged in a plane shape, without mechanical scanning of a plurality of capillaries and without optical scanning of a light beam. *See* Anazawa, col. 2, ll. 9-18. The laser beams are incident normal to the surface of the outermost capillary to minimize the deviation of the laser beam as it passes through the capillary array. However, Anzawa fails to teach or suggest irradiating a laser beams in an inclined manner, as recited in independent claim 14, so that the optical path of the incident laser beam differs from

the optical path of the reflected laser beam. Therefore, it is respectfully submitted that independent claim 14 patentably distinguishes over the prior art.

Claims 35-44 depend directly or indirectly from and contain all the elements of independent claim 14. Each of these dependent claims recite additional limitations which, in combination with the independent claim from which they depend, are neither taught nor suggested by Anazawa. FR '472 is a secondary reference that was cited for additional limitations, and does not cure the deficiency in Anazawa discussed above. Accordingly, claims 35-44 are likewise patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Dated: August 7, 2008

Respectfully submitted,

By 
Edward A. Meilman

Registration No.: 34,735

Mark J. Thronson

Registration No.: 33,082

DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorney for Applicant